

**Mallory Brook Conservation Easement Area
Public Use Management Plan**

October 2004



Prepared by
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Nona Estrin, East Montpelier Trails, Inc.

Reviewed by
Landowner Christopher Pratt
Billy Coster, Stewardship Coordinator,
Vermont Housing & Conservation Board
Town of East Montpelier Select Board

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I. Background

East Montpelier Trails, Inc. (EMTI) was formed in 1992 to build and maintain a formal trail network around East Montpelier. The Mallory Brook tract has long been a high priority area for EMTI. When local residents realized that the 489-acre Pratt property could be sold or subdivided along Mallory Brook, they joined with the **Trust for Public Land (TPL)** in working to raise the funds to conserve the property for public use and enjoyment.

The Trust for Public Land, at the request of the local community, worked to acquire a conservation easement over the Mallory Brook tract from November of 2001 through August of 2004. TPL negotiated a purchase and sale agreement with the Pratt Family for a \$350,000 purchase price, a \$50,000 bargain sale. TPL applied for a \$100,000 local conservation grant to the **Vermont Housing and Conservation Board (VHCB)** to help reach the \$350,000 total project cost. The **Vermont Land Trust (VLT)** and **VHCB** agreed to accept the conservation easement (collectively, the Easement Holders). The Trust for Public Land, East Montpelier Trails, Inc., and local community activists raised over \$200,000 from private foundations and individuals, received \$15,000 from the **Town of East Montpelier** (the Town), and \$100,000 from the VHCB.

TPL purchased and conveyed a Conservation and Public Access Easement to VLT and VHCB over the Mallory Brook Property (the Protected Property) on _____, 2004. EMTI agreed to take responsibility as the designated recreation trail manager, and the Town agreed to take responsibility in administering the public hunting permits.

TPL has drafted this Public Use Management Plan, in consultation with EMTI, VHCB, VLT, and one of the landowners, Chris Pratt. Landowner Chris Pratt has primary responsibility for management of the Protected Property, subject to this and future forest management plans, an interim Forest Management Plan being attached hereto as Attachment C. VLT has primary responsibility for easement stewardship, with assistance from EMTI and the Town.

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II. Goals, Purposes, Responsibilities

- A. The **Goals** of the Public Use Management Plan (PUMP) are to guide Chris Pratt, EMTI, and the Town in the management of the public recreational aspects of the Mallory Brook Conservation Easement Area. The PUMP may be amended or updated from time to time with the input of all the parties.
- B. The **Principal Objectives** of the Conservation Easement are to conserve productive agricultural and woodlands, wildlife habitats, non-commercial recreational opportunities and activities, and other natural resource and scenic values of the Protected. Other objectives are also listed in the purpose section of the Conservation Easement.
- C. The **Responsibilities** for management of the Mallory Brook Conservation Easement Area are as follows:
- The Conservation Easement Holders will delegate responsibility to EMTI to oversee and coordinate construction and management of public recreation trails on the Protected Property. EMTI conducts all of its routine maintenance activities through the use of volunteers, and draws from its small operations budget (currently \$26,000) to pay for materials, signage, equipment, parking improvements, etc. The East Montpelier Gully Jumpers Snowmobile Club, a member organization of EMTI, will maintain signage and groom the snowmobile trails across the Mallory Brook property. EMTI will finalize the trail portions over time as it is able to.

As of this date, Chris Pratt has primary responsibility to oversee and coordinate management of the Protected Property on behalf of the landowners. The landowner and the Town will address the hunting permit issue as a part of this and subsequent Public Use Management Plans, as described in Section IX.6. below.

- Of the Conservation Easement Holders, VLT is the primary steward of the Conservation Easement, responsible for the day-to-day monitoring and enforcement of the easement, including review of Forest Management Plans.
- The Town will grant hunting permits in an amount specified herein or as agreed to in subsequent Public Use Management Plans on a lottery basis to the general public.

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III. Updates

The process of updating the Management Plan will be as follows:

- The Conservation Easement Holders will delegate to EMTI, the responsibility to revise and update the PUMP with the cooperation of the Town and the landowner every ten years (i.e. 2014, 2024);
- If at any time during the intervals between planned revisions of the PUMP, any of the Parties (the landowner, VHCB, VLT, EMTI, or the Town of East Montpelier) finds it necessary or desirable to modify the plan due to changes in circumstance or understanding about the Protected Property or public use of it, they may request that the parties agree to a modification of this plan. The final, agreed-upon modification should be agreed to by the parties in writing and amended to this plan.

IV. Protected Property Description

Located between Towne Hill, Dodge, and Brazier Roads in East Montpelier, the Mallory Brook tract is easily accessed from Route 2, and located only 5 miles from Montpelier and Interstate 89.

The Mallory Brook property contains a public drinking water source supplying approximately 130 households, mostly in the East Montpelier Village area.

In addition to its water quality significance, the Mallory Brook property provides critical wildlife habitat. The Vermont Nongame and Natural Heritage Program has identified the entire stretch of Mallory Brook, as well as forested stands on the southern part of the Protected Property, as important deer wintering areas because of a combination of excellent cover and forage. The Protected Property encompasses important wetlands, including alder and cedar swamps, as well as a rich fen, classified by the State as a Natural Community of Statewide Significance. In addition, the Protected Property's overall mixture of mature hardwood and softwood forests, early successional forests, and open areas create excellent habitat for grouse and early successional species. Small meadow areas on the Protected Property support declining, ground-nesting birds whose habitat is disappearing elsewhere, especially in former prairie areas of the American Midwest.

The Conservation Easement will provide general pedestrian access to the Protected Property, with the exception of the 15-acre Homestead Complex, as well as public access

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to multi-use trails to be constructed and maintained by East Montpelier Trails, Inc., an organization which, with the support of the Vermont Housing and Conservation Board, the Freeman Foundation, private individuals and the town of East Montpelier, has protected over half of a proposed 18-mile loop of multi-use trails around East Montpelier and Montpelier. The Mallory Brook property will add a crucial 1-mile missing link in trail system. The Protected Property is also located within a short walk of the East Montpelier Elementary School, offering outstanding opportunities for environmental education.

VI. Current Physical Improvements to Protected Property

Chris Pratt has constructed a small post-and-beam structure with a corrugated roof on the property for storing lumber and forestry equipment. The structure has no foundation or walls and is open to the air. He has also constructed a 15 ft. × 15 ft. tent platform on the property for personal use. Both of the aforementioned properties are located within the official building envelope permitted under the Conservation Easement.

In addition, the Crystal Springs Water Supply Company has constructed a springhouse on the Protected Property, from which they pipe water to 130 customers in the East Montpelier Village area. The springhouse is made of cinder block and is approximately 10 ft. tall and 8 ft. square.

The only other structures on the Protected Property consist of historic stone walls, an old cellar hole, and pipes or other infrastructure related to the drinking water delivery system.

VII. Proposed Physical Improvements to Protected Property.

Signage EMTI will be responsible for posting trail signs on the Protected Property, if desired. A sign to commemorate the completion of the project and acknowledging project partners and donors will be erected and maintained on the site.

Trails EMTI has designated rough locations of its proposed trail corridors, and will continue to develop those planned segments and relocations through the term of this plan. Trail planning, layout, construction and maintenance will be consistent with the provisions of the Conservation Easement. Major tasks will include the following:

Trail Planning. EMTI will continue to consult experienced trail designers in the planning of a trail system to ensure that trail layout maximizes ecological, aesthetic, and educational goals.

Trail Layout. In trail layout, planners will avoid routing trail through wetlands, anticipate and avoid erosion problems, blend trail into natural surroundings, avoid sudden changes in direction or too much meandering, and enhance the educational experience. The trail layout will be designed in consultation with the landowner to maximize mutual goals and minimize potential conflicts with land management and non-recreational uses.

Trail Construction. Before building or modifying additional trail segments or relocations, the trail plan will be reviewed again by VHCB and VLT. Experienced leadership should guide volunteer trail crews.

Trail Maintenance. EMTI shall ensure that the trail is kept usable and safe by monitoring and maintaining trail signs, keeping trail clear of blowdowns and brush, and solving any erosion problems that might occur.

VIII. Management of Protected Property

1. Access. Access to the Protected Property should be from Cherry Tree Hill, Brazier, Minister, and Johnson Roads. If EMTI considers an additional future access point, such consideration should only be undertaken in close consultation with Chris Pratt and adjoining landowners.

Crystal Springs Water Supply Company retains the right to access, use and maintain its springs, pumphouse and aqueducts.

2. New physical improvements. New physical improvements for recreation and public access purchases are permitted only to the extent they conform with the Conservation Easement and are approved by the Conservation Easement Holders.

The landowner has retained one (1) Homestead Complex fifteen (15) acres in size on the Protected Property shall be located within the area depicted as "Homestead Complex" on the Protected Property as shown on a plan entitled "Pratt Property Town of East Montpelier Washington Co., VT" (hereafter "Mallory Brook Conservation Plan") (attached as Attachment D). Within this Homestead Complex, the landowners shall have the right to construct, maintain, repair, renovate, enlarge or rebuild one (1) single-family dwelling, in said Homestead Complex, together with the necessary driveways, utilities and appurtenant structures and improvements normally associated with a dwelling.

3. Vehicular Access and Parking area development.

The landowners retain a Homestead Complex and the right to access it via a private driveway from Cherry Tree Hill Road; no public access is allowed within the 15-acre Homestead Complex.

Wheeled motorized vehicular access is prohibited, except for the purposes of forest management, farming, maintenance, and water extraction under the terms of a preexisting easement with Theodore G. Hedges and Sons, Inc., et al. which allows their use of all terrain and other motorized vehicles on portions of the Protected Property for the purpose of water extraction. Illegal trespass by wheeled motorized vehicles has not been a problem on the Protected Property in the past.

EMTI or the landowner may, with permission of the Conservation Easement Holders, construct small (5-10 car) pull-off areas in the vicinity of access to the Protected Property at Cherry Tree Hill Road and/or the terminus of Johnson Road as possible, necessary and in conformance with other provisions of the Conservation Easement.

4. Monitoring. Vermont Land Trust will monitor the Protected Property for illegal activities such as dumping, prohibited uses of the Protected Property, etc. EMTI will assist in this effort by notifying Vermont Land Trust of any such illegal activities as they become aware of them.

IX. Restricted and Non-Permitted Uses

1. Motorized Vehicles. No wheeled motorized vehicles (except maintenance and management vehicles) should be used on the Protected Property. Snowmobile use beyond use of designated trails will be at landowner discretion.

2. Cutting/removal/harvesting of native plant and animal species is prohibited or restricted within the Special Treatment Areas (see Conservation Easement). Some cutting may allowed when it is consistent with the Conservation Easement and when it is directly related to approved

- trail creation or management,
- educational or scientific purposes, or
- forest management as defined by the official Forest Management Plan, or
- other permitted uses.

Any proposal to implement such activities necessary for management shall be reviewed by VLT.

3. Fires. Fires are prohibited on the Protected except 1) a use by the landowner associated with his forest management practices or 2) for camping as permitted by the landowner, provided it is consistent with the Conservation Easement.

4. Camping. Camping on the Protected Property will only be allowed by landowner permission.

5. Intensive Uses. Intensive public uses with negative resource impacts are prohibited. Passive recreational uses such as hiking, snowshoeing, cross-country skiing, wildlife viewing, are permitted.

6. Hunting and Trapping. The landowner will allow 15 hunting permits to be awarded to the public, and may allow other hunters on the land at his discretion. The Town of East Montpelier will grant available hunting permits on a lottery basis to the general public, which will allow hunting during any approved season during that year. The Town Clerk (currently Sylvia Tosi) will administer the granting of public permits, which will generally follow the schedule outlined below:

- in August, the Town will advertise that they will accept requests for hunting permits on the Mallory Brook property. The request period will run from Sept. 1 to October 1 of each year. Requests must be accompanied by proof of a valid Vermont hunting license.

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- Within 10 days of the end of the request period, requests will be randomly selected up to the allowed number of hunting permits. The selections will be made by the Town Clerk or his/her designee, and will be done at a time and place accessible to the public.
- The Town will then develop a list of the selected hunters, and will issue permits and a map of the property to those selected. The permit will clearly identify the name of the holder, and that he or she will have hunting rights to the Mallory Brook property during 1 year from the date of issuance of the permit, which shall be the date of the drawing. A copy of the list of selected hunters will be sent to the landowner and kept on file at the Town offices.
- If by the request deadline, fewer requests are received than permits available, the Town Clerk may forego the lottery selection and issue the permits to those requesting them, holding any allowed, unissued, remaining permits for issuance on a first-come, first-serve basis.

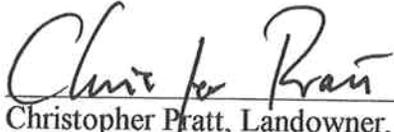
The landowner or the Town may recommend changing the number of hunting permits available using the process for amending the plan described in Section II.A. above. In doing so, the Parties will consider the carrying capacity of the land, safety, land management and other related issues. Persons awarded hunting permits will be able to hunt during any season on the Protected Property, however, trapping and the use of tree stands (temporary and portable) will be allowed only with landowner permission.

Hunting Signage

The landowner may continue to post the Protected Property with “No Hunting” signs, prohibiting hunting by the general public, provided that the signs note that permits are available from the Town for a limited number of hunters per year, and that any signs that discourage un-permitted hunting do not discourage general public access.

7. Pedestrian Use. The public will have the right to general pedestrian access to the Protected Property, with the exception of the 15-acre Homestead Complex, and, through EMTI’s trail management, discussed in Section VII above, will have access to trails for hiking, cross-country skiing, and other related uses. Equestrian use will be at the discretion of the landowner, and the landowner will have the right under the Conservation Easement, to restrict public use of the property for limited reasons, including public safety during harvesting and natural resource protection.

X. Adoption



Christopher Pratt, Landowner, duly authorized, on behalf of Vera Pratt and Peter Pratt.

10/08/04
Date



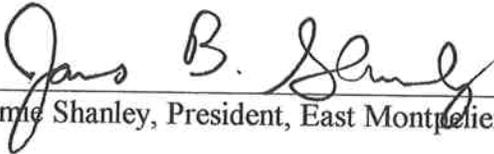
Billy Coster, Stewardship Coordinator, VHCB

10/12/04
Date



Thomas Brazier, Selectboard Chair, Town of East Montpelier

10/04/04
Date



Jamie Shanley, President, East Montpelier Trails, Inc.

10/07/04
Date

XII. Attachments:

- A. Copy of Conservation Easement.
- B. Management Plan Contacts
- C. Interim Forest Management
- D. Mallory Brook Conservation Plan

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Prepared by Julie Iffland, The Trust for Public Land
September 29, 2004

Attachment B

Management Plan Contacts

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